

# 6  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Connell et al. DOCKET NO.: ALT-5604D CONT 08 DIV III  
SERIAL NO: 09/689,503 ART UNIT: 1723  
FILED: October 12, 2000 EXAMINER: J. Drodge  
INVENTION: "METHOD AND APPARATUS FOR KIDNEY DIALYSIS"

RECEIVED  
MAR - 7 2001  
TECHNOLOGY CENTER 1100  
OFFICIAL

Assistant Commissioner of Patents

Washington, D.C. 20231

**TERMINAL DISCLAIMER TRANSMITTAL LETTER**

SIR:

Pursuant to the Examiner's request, Applicants are submitting herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection. Specifically, the Patent Office has requested a Terminal Disclaimer in view of U.S. Patent No. 5,247,434 ('434 Patent). The Examiner has stated that a Terminal Disclaimer was necessary in order to overcome an obviousness-type double patenting situation in view of the '434 Patent. Upon submission of a Terminal Disclaimer the Examiner stated that the pending claims will be passed to allowance.

Applicants respectfully request that the fee of \$110.00 be charged to deposit account number 02-1818. Please charge any additional fees that are due and owing to deposit account number 02-1818.

Respectfully submitted,

(Reg. No. 30,142)

Robert M. Barrett  
BELL, BOYD & LLOYD LLC  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
Tel: (312) 807-4204  
ATTORNEY FOR APPLICANTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Connell et al. DOCKET: ALT-5604D CONT of DIV III  
SERIAL NO.: 09/689,503 ART UNIT: 1723  
DATE FILED: October 12, 2000 EXAMINER: J. Drodge  
INVENTION: "METHOD AND APPARATUS FOR KIDNEY DIALYSIS"

Hon. Assistant Commissioner for Patents

Washington DC, 20231

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**

I, Robert M. Barrett, an attorney of record, do hereby state that Baxter International Inc. is the owner of the entire right, title and interest to U.S. Patent No. 5,247,434. The terminal part of any patent granted on application Serial No. 09/689,503 which would extend beyond the expiration date of U.S. Patent No. 5,247,434 is hereby disclaimed and it is hereby agreed that any patent so granted on the above-identified application Serial No. 09/689,503 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,247,434 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The evidentiary documents have been reviewed and it is hereby certified that to the best of my knowledge and belief that title to the above-identified patent application is in Baxter International Inc.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently

#6  
3/9/01  
UPR-Jh  
RECEIVED  
HAR 7 2001  
TECHNOLOGY CENTER 1700  
OFFICIAL

03/09/2001 ERLER 00000001 021010 00000001

01 00:148

310,00 CH

371920/DV1 BB6G01\_

shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By 

Robert M. Barrett,  
Attorney of Record

Dated: March 7, 2001

**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**

Applicant(s):

Docket No.

ALT-5604D CONT of DIV III

Serial No.

09/689,503

Filing Date

October 12, 2000

Examiner

J. Drodge

Group Art Unit

1723

RECEIVED  
MAR - 7 2001  
TECHNOLOGY CENTER 1700

Invention:

METHOD AND APPARATUS FOR KIDNEY DIALYSIS

I hereby certify that this

**Terminal Disclaimer**

(Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3602)

on

March 7, 2001

(Date)

Renee Street

(Typed or Printed Name of Person Signing Certificate)



(Signature)

Note: Each paper must have its own certificate of mailing.

**OFFICIAL**